

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2485 of 2023

Arising Out of PS. Case No.-25 Year-2023 Thana- PURNAHYA District- Sheohar

Ramesh Mahto Son of Rajmangal Mahto Resident of Village- Khaira Pahari,
Ward 4, PS- Purnahiya, Distt- Sheohar, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. SONFI PASWAN LATE FAUJDAR PASWAN PURNAHIYA
3. Sonfi Paswan Son of Unknown Resident of Khaira Pahari, PS- Purnahiya,
Distt- Sheohar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dinesh Jha
For the Respondent/s	:	Mr. Sadanand Paswan
For the Informant	:	Mr. Patanjali Rishi

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 14-12-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State are present. Learned
counsel for the informant is also heard through Online.

The instant appeal has been filed by the appellant
against the order dated 26.04.2023 passed by learned Additional
District and Sessions Judge-I-cum-Special Judge SC/ST,
Sheohar whereby the prayer for bail of the appellant in
connection with Purnahiya P.S. Case no. 25 of 2023 under
Sections 302, 201 and 34 of the Indian Penal Code and sections
3 (2)(V) of SC/ST Act was rejected.

As per allegation in the FIR, informant's son



(deceased) had gone to eat samosa with his two friends to Dostiya Bazar. When he did not return till late hours, a search was made. During search, bloodstained slippers and his mobile were recovered from embankment. Informant has raised strong suspicion against the appellant and others that they have killed his son and disappeared his dead body.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. No one is the eye witness of the alleged occurrence. Only on the basis of suspicion, the petitioner has been implicated in the present case. No consistent evidence has come against the appellant to show his complicity in the present case. No offence is made out under the provisions of the SC/ST Act against them. Appellant is languishing in judicial custody since 2.3.2023.

The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant and submitted that applicant is a named accused.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 26.04.2023 is hereby set aside.



The appellant is directed to be enlarged on bail in connection with Purnahiya PS Case No. 25 of 2023 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-I-cum-Special Judge, SC/ST, Sheohar.

(Sunil Kumar Panwar, J)

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